



Notice of Service of Process

Transmittal Number: 22477744
Date Processed: 12/23/2020

Primary Contact: Amanda Ratliff
Menard, Inc.
5101 Menard Dr
Eau Claire, WI 54703-9604

Electronic copy provided to: Andrew Akey
Kacie Bertrand
Ashley Aubart

Entity:	Menard, Inc. Entity ID Number 0033810
Entity Served:	Menard, Inc. d/b/a Menards
Title of Action:	Erik Serrano vs. Menard, Inc. d/b/a Menards
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Will County Circuit Court, IL
Case/Reference No:	20-L804
Jurisdiction Served:	Illinois
Date Served on CSC:	12/23/2020
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Michael E. Holden 312-458-1000

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STATE OF ILLINOIS)
)SS
COUNTY OF WILL)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERIK SERRANO

CASE NO: 20L804

MENARD, INC. d/b/a Menards

SUMMONS

To each defendant:

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court
Circuit Court of the 12th Judicial Circuit, Will County, IL Building, Room A201
100 W. Jefferson St., Joliet, IL - Zoom Information Attached Illinois within 30 days after service

(Address) (City) of this summons, not
counting the day of service. IF YOU FAIL TO DO SO, A JUDGEMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR
THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if
any, immediately after service. If service cannot be made, summons shall be returned to endorsed.

This summons may not be served later than 30 days after its date.



12/18/2020
WITNESS: _____, 20____

Andrea Lynn Chastrea
PAMELA J. MCGUIRE

JT Clerk of the Circuit Court

BY: _____
(Deputy)

(Plaintiff's Attorney or Plaintiff if he is not represented by an Attorney)

NAME: Michael E. Holden

ARDC# 6296752

Attorney for: Plaintiff

Address: 321 N. Clark St., Ste. 900

City: Chicago, IL 60654

Telephone: 312-458-1000

DEC 23 2020

**IN THE CIRCUIT COURT FOR THE 12TH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

ERIK SERRANO,

Plaintiff(s),

v.

MENARD, INC. d/b/a Menards,

Defendant(s).

No.: 20L804

Honorable Judge Rickmon (Room A201)

Zoom Login Information:

Meeting ID – 959 2357 1680

Meeting Password - 201201

Angela Lynn Chastee
Will County Circuit Clerk
Twelfth Judicial Circuit Court
Electronically Filed
20L804
Filed Date: 10/2/2020 4:10 PM
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Clerk: RLH

IN THE CIRCUIT COURT FOR THE 12TH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERIK SERRANO,

Plaintiff(s),

v.

No.: 20L804

MENARD, INC. d/b/a Menards,

Defendant(s).

COMPLAINT AT LAW

NOW COME(S) the Plaintiff, ERIK SERRANO, by and through his attorneys,
ROMANUCCI & BLANDIN, LLC, and complaining against Defendant, MENARD, INC., d/b/a
Menards, pleading hypothetically and in the alternative, states as follows:

COUNT I

(Erik Serrano v. Menard, Inc. – Negligence)

1. On October 16, 2018, and at all times relevant herein, Plaintiff, ERIK SERRANO
(hereinafter "SERRANO") was a resident of the Village of Countryside, Cook County, Illinois.

2. On October 16, 2018, and at all times relevant herein, Defendant, MENARD,
INC. was a corporation existing by and under the laws of the State of Wisconsin, and was
conducting business in the State of Illinois, thereby making it subject to personal jurisdiction in
Illinois.

3. On October 16, 2018 and at all times relevant herein, Defendant, MENARD, INC.
was doing business as "Menards."

4. On October 16, 2018, and at all times relevant herein, Defendant, MENARD,
INC. owned, leased, operated, managed, maintained, and/or otherwise controlled a Menards
home improvement store located at 290 N. Bolingbrook Rd. in the Village of Bolingbrook, Will
County, Illinois (hereinafter "Bolingbrook Menards").

5. On October 16, 2018, and at all times relevant herein, the premises of the Bolingbrook Menards included the store and an outdoor lumber yard and warehouse immediately adjacent to the store.

6. On October 16, 2018, and at all times relevant hereto the Bolingbrook Menards, including the outdoor lumber yard and warehouse area, was open for business to the general public.

7. On October 16, 2018, Plaintiff, SERRANO was a patron at the Bolingbrook Menards in order to purchase PVC piping for use as part of his work as a landscaper.

8. The PVC pipe being purchased by Plaintiff, SERRANO was stored in the outdoor lumber yard area of the Bolingbrook Menards in an area identified as "Pipe."

9. The pipe on display at the Bolingbrook Menards was stored as individual pieces in vertical bins, and, as bundles of pipe, on horizontal shelves immediately adjacent to the vertical bins.

10. There were no guards, fences, or other measures on the horizontal shelves preventing product from falling from them.

11. The pipe in both the vertical bins and the horizontal shelves were placed there by employees of Defendant, MENARD, INC.

12. Much of the PVC pipe available in the vertical bins at the Bolingbrook Menards was bent and/or broken. Unbroken and unbent PVC pipe was available as part of the bundles on display on the horizontal shelves.

13. There were no signs or other indications that the bundles of pipe were not available for individual purchase.

14. Plaintiff, SERRANO was removing pieces of PVC pipe from the bundles on a horizontal shelf when the bundle shifted, and fell off of the shelf onto him. This shift also caused additional bundles to fall from the shelf onto Plaintiff, SERRANO.

15. At all times while Plaintiff, SERRANO was at the Bolingbrook Menards, he was in exercise of ordinary care for his own safety.

16. On October 16, 2018, Defendant, MENARD, INC., by and through its employees, agents, and/or servants at the Bolingbrook Menards store, knew or should have known that stacking round pipe on a flat horizontal shelf created a hazardous condition.

17. On October 16, 2018, and at all times relevant herein, it was foreseeable to Defendant, MENARD, INC. that round pipe stored on a flat horizontal shelf could roll and/or fall from the shelf, creating a risk of injury to anyone in the area immediately surrounding the shelf.

18. On October 16, 2018, and at all times relevant herein, Defendant, MENARD, INC., had a duty to exercise ordinary care to see that its premises was reasonably safe for the use of those lawfully on the property, including Plaintiff, SERRANO.

19. On October 16, 2018, and at all times relevant herein, Defendant, MENARD, INC., had a duty to use ordinary care in the operation of its store, including the stocking and displaying of available product so as not to create an undue hazard to those lawfully on the property, including Plaintiff, SERRANO.

20. Notwithstanding said duty, on October 16, 2018, and at all times relevant hereto, Defendant, MENARD, INC., by and through its agents, employees, and/or servants at the Bolingbrook Menards, committed one or more of the following acts and/or omissions:

- a. Improperly stocked the 10' sections of 4" PVC pipe in a manner that created a risk that the pipe would fall from the shelf and onto persons in the area immediately surrounding the shelf;

- b. Improperly created a hazard by stocking round pipe in a manner that the pipe could shift and roll from the shelf onto persons in the area immediately surrounding the shelf;
- c. Failed to place guards, fences, or other protective measures on the horizontal shelf to prevent product from falling from the shelf onto persons in the area immediately surrounding the shelf; and/or
- d. Failed to adequately warn individuals of the risk of pipe shifting or falling from shelves.

21. As a direct and proximate result of one or more of the foregoing acts and/or omissions, Plaintiff, SERRANO, was struck by PVC pipe which fell from the shelf and was knocked to the ground.

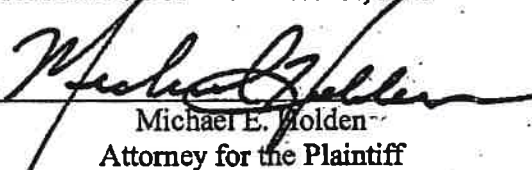
22. As a direct proximate result of one or more of the foregoing acts and/or omissions, Plaintiff, SERRANO, was injured.

23. As a further direct and proximate result of one or more of the foregoing acts and/or omissions, Plaintiff, SERRANO, has incurred and will in the future incur reasonable and necessary medical expenses in the treatment of said injuries, has suffered a loss of income, and has suffered and will continue to suffer physical pain and emotional suffering, a loss of normal life, disability, and disfigurement.

WHEREFORE, Plaintiff, ERIK SERRANO, prays for judgment against Defendant, MENARD, INC., for an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), plus costs of bringing this action.

Respectfully Submitted,
ROMANUCCI & BLANDIN, LLC

By:


Michael E. Holden
Attorney for the Plaintiff

Michael E. Holden
ROMANUCCI & BLANDIN
321 N. Clark St.; Ste 900

Chicago, IL 60654
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Andrea Lynn Chastee
Will County Circuit Clerk
Twelfth Judicial Circuit Court
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IN THE CIRCUIT COURT FOR THE 12TH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

ERIK SERRANO,

Plaintiff(s),

v.

No.: 20L804

MENARD, INC. d/b/a Menards,

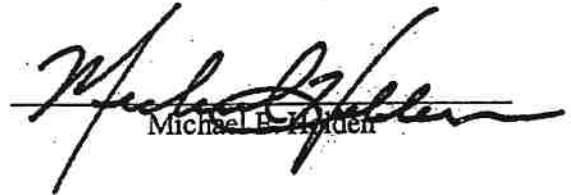
Defendant(s).

AFFIDAVIT REGARDING DAMAGES SOUGHT

Michael E. Holden, being first duly sworn under oath, states as follows:

1. That your affiant is one of the attorneys of record for the party in this matter.
2. That the total money damages sought in this civil action exceeds \$50,000.

FURTHER AFFIANT SAYETH NOT.


Michael E. Holden

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 (1993), I certify that the statements set forth herein are true and correct.

Michael E. Holden
ROMANUCCI & BLANDIN
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Chicago, IL 60654
Tel: (312) 458-1000
Fax: (312) 458-1004
Email: mholden@rblaw.net
Attorney No.: 6296752

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ERIK SERRANO,

Plaintiff(s),

v.

No.: 20L804

MENARD, INC. d/b/a Menards,

Defendant(s).

JURY DEMAND

The undersigned demands a jury trial.

Respectfully Submitted,
ROMANUCCI & BLANDIN, LLC

By: 

Michael E. Holden
Attorney for the Plaintiff

Michael E. Holden
ROMANUCCI & BLANDIN
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